

Date

Rich Sanchez, Chief Division of Engineering  
Executive Manager, Delta Habitat Conservation and Conveyance Program  
Department of Water Resources  
1416 9th Street  
Sacramento, CA 95814

Subject: Concurrence on BDCP technical memoranda regarding jurisdictional determinations and condition assessment methodology

Dear Mr. Sanchez:

I am writing to concur on the mapping, delineation and condition assessment methods as described in the two memoranda (enclosed), which your staff provided for our review.

These methods have been developed in close collaboration with staff and managers from both EPA and the US Army Corps of Engineers, which has included several meetings and electronic exchanges of draft memoranda. The condition assessment approach is consistent with a framework for monitoring and assessment of aquatic resources that EPA has been advancing since the publication of its wetland Fact Sheet entitled "Wetland Monitoring and Assessment: A Technical Framework" (EPA 843-F02-002(h), 2003). It is also a methodology endorsed, as you mentioned in the memoranda, by the California Water Quality Monitoring Council.

The preliminary determination of waters of the US will be done consistent with current methods and analytical procedures used by EPA and the Corps? For these reasons, we are satisfied that DWR is adopting technical approaches for these two interrelated efforts that will allow for establishing the extent of jurisdiction of waters of the US within the project area as well as determining the ecological condition of those features sufficient to make initial jurisdictional decisions under the permitting authority of the Clean Water Act section 404.

Thank you for the opportunity to review these important documents. If you have any questions or concerns, please contact me at (415)972-3472, Erin Foresman (916-557-5253) or Paul Jones (415-972-3470) of my staff.

Sincerely,

Karen Schwinn  
Associate Director  
Water Division

cc:

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